

parties' agreement to \$3,847.40 in attorney fees. [ECF No. 17]. Because the Commissioner consents to the attorney fee, the court excuses the premature filing of the motion in the interest of judicial economy. Given the parties' agreement and Plaintiff's attorney's representations in the motion and in accordance with 28 U.S.C. § 2412(a) and § 2412(d), the court grants the motion and directs the Commissioner to pay Plaintiff \$3,847.40. This payment shall constitute a complete release from and bar to any further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

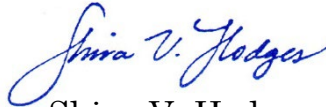
Under *Astrue v. Ratliff*, 560 U.S. 586, 595–97 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the

U.S. at 102, the Supreme Court clarified that for cases remanded pursuant to sentence four of 42 U.S.C. § 405(g), “the filing period begins after the final judgment (‘affirming, modifying, or reversing’) is entered by the court and the appeal period has run, so that the judgment is no longer appealable.” For actions in which a United States agency is a party, Fed. R. App. P. 4(a)(1)(B) provides that a notice of appeal may be filed within 60 days after entry of the judgment. The judgment entered on February 13, 2023, was not final at the time Plaintiff filed the motion because the 60-day period for filing an appeal had not yet run.

court orders the EAJA fee be paid to Plaintiff through payment delivered to Plaintiff's counsel.⁴

IT IS SO ORDERED.

March 24, 2023
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

⁴ Counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.